

Edward J. Maney, Trustee  
P. O. Box 10434  
Phoenix, AZ 85064  
Telephone (602) 277-3776  
Fax No. (602) 277-4103  
ejm@maney13trustee.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re:	)	CHAPTER 13 BANKRUPTCY
JAMES S. CARD	)	CASE NO. 2-09-bk-22479-CGC
xxx-xx-0999	)	
	)	TRUSTEE'S EVALUATION AND
	)	RECOMMENDATION(S) REPORT WITH
	)	<b><u>REQUEST TO DISMISS CASE</u></b> IF
	)	CONDITIONS ARE NOT SATISFIED
Debtor(s)	)	RE: CHAPTER 13 PLAN

Edward J. Maney, Trustee, has analyzed the Debtor's Chapter 13 Plan and supporting documents and submits the following evaluation and recommendation(s):

1. Debtor(s) Plan payments are currently delinquent \$2,207.39 with a payment of \$660.00 coming due 3/20/10.
2. The Trustee requires copies of all monthly bank and/or credit union statements for all checking and/or savings accounts Debtors maintained from March 1 through August 31, 2009.
3. The Trustee requires copies of Debtors' two most recent consecutive paycheck stubs from each employer for each employed Debtor for verification of income and deductions
4. The Trustee requires **completed** and **signed** copies of Debtor's 2007, 2008 and 2009 State and Federal tax returns, W-2's and 1099's.
5. Upon being assigned this case, the Trustee mailed Debtor a questionnaire to be completed, signed, and returned. Debtor has failed to comply with this request. The Trustee requires that Debtor complete, sign, and return the questionnaire prior to confirmation.
6. Schedule I and J show a negative disposable income and inability to fund Plan payments. The Trustee requires an amended Schedule I and J, along with two current consecutive pay stubs from each employer, to verify Debtors' ability to fund the plan payments.

- 1 7. The Trustee requires a copy of Debtor(s) Rental Agreement for the Angela Drive address.
- 2 8. Debtor appears to have a significant other residing with him. This party does not appear to be
- 3 providing any assistance towards the household expenses, (i.e, mortgage, utilities,
- 4 maintenance, and is a co-debtor on an unsecured debt). The Trustee requires justification
- 5 regarding this issue.
- 6 9. Debtor's 22C fails to include any rental income. The Trustee requires clarification
- 7 regarding this issue.
- 8 10. The Arizona Department of Revenue's Proof of Claim indicates Debtor has not filed personal
- 9 income tax returns for 2006 and 2008. **The Trustee requires Debtor to immediately**
- 10 **prepare and file all unfiled tax returns. Failure to file said returns or the required**
- 11 **Affidavit within 30 days from the date of this Trustee's Recommendation and provide a**
- 12 **stamped copy of said returns may result in the Trustee lodging an Order automatically**
- 13 **dismissing Debtor's case.**

11 If the Debtor(s) have any questions or concerns regarding this Recommendation, they should

12 contact their attorney. If Debtor(s) are not represented by counsel, they may contact the Case

13 Administrator at extension 210.

14 The Trustee objects to confirmation of the Plan. The Trustee is unable to complete

15 evaluation of the Debtor(s)' Plan and/or assess the feasibility of the Plan at this time. You are

16 advised that the Trustee will lodge an Order of Dismissal should the Debtor(s) fail to become and/or

17 remain current with their Plan payments and resolve items 2 through 10 within thirty (30) from the

18 date of the Trustee's Recommendation. The Trustee will file a Supplemental Recommendation

19 provided the Debtor(s) comply with the conditions stated herein.

21 Date See Electronic Signature Block

22 \_\_\_\_\_  
Edward J. Maney, Trustee

23 Copies of the foregoing  
24 mailed on this date See Electronic  
Signature Block to:

25 Joseph W. Charles  
26 P. O. Box 1737  
Glendale, AZ 85311

James S. Card  
2343 E. Riverdale Circle  
Mesa, AZ 85213